

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, no claims have been added, amended, or cancelled. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-17 are pending and under consideration. Reconsideration is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §103(a)**

In the Office Action at pages 2-6, numbered item 4, claims 1-17 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,285,985 to Horstmann. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

On page 3 of the Office Action, the Examiner cites virtually the entire specification of Horstmann and states that Horstmann implicitly shows all the elements and limitations of claim 1. Applicants respectfully disagree with the Examiner's assertion. Further, the Examiner acknowledges that "Horstmann lacks explicit recitation of the phrase 'awareness device,'" but the Examiner contends that Horstmann "implicitly shows an 'awareness device'" and further states that modification of Horstmann to include an awareness device would have been obvious because it would have "provided means to retrieve advertisements from an advertisement server and display them to the user." Applicants respectfully disagree.

Horstmann teaches a mechanism to allow presentation of advertisements to a user via a software program. Horstmann at col.2, lines 2-4. An ad module 103 is attached to software running on a user's computer. The ad module is attached using the Ad Module Builder Tool. Horstmann at col. 2, lines 60-67. The ad module retrieves and displays advertisements to the user. Horstmann at col. 3, lines 1-2. Connection of the ad module to an ad server may be forced or opportunistic. Horstmann at col. 3, lines 57-61. Further, the advertisements may be targeted to a user profile, and the ads sent to users and clicked on by users are monitored and stored in a usage database. Horstmann at col. 3, line 62 to col. 4, line 26. Figure 1, cited by the Examiner, is a block diagram of a computing environment appropriate for application of

Horstmann. Figure 4, also cited by the Examiner, is "a simplified example of a screen display used to prompt the software developer" for use in installing the ad module. Horstmann at col.4, lines 29-31. Applicants fail to see the relevance of this to any of the elements of independent claim 1.

Independent claim 1 is directed to an advertising method for distributing advertisements to user terminals on a network from an awareness device for managing user status, and recites "storing as a user status-setting alternative a symbol representing an advertiser," "accepting from a primary user a request to use the symbol as a self-status designation," and "distributing to a user terminal used by a secondary user the symbol representing the primary user's status via the network." Independent claims 12-16 include similar features.

Applicants respectfully submit that Horstmann fails to teach or suggest, either implicitly or explicitly, "storing as a user status-setting alternative a symbol representing an advertiser." While Horstmann does discuss a "user profile" to target ads to a specific user, there is no teaching or discussion of storing a user status, a user-status setting alternative, or a symbol representing an advertiser.

Further, Applicants respectfully submit that, as Horstmann fails to teach or suggest a symbol representing an advertiser used as a user status-setting alternative, Horstmann also fails to teach or suggest "accepting from a primary user a request to use the symbol as a self-status designation." That is, Horstmann fails to disclose symbols, for example, characters or drawings representing advertisers such as icons displayed as user status (see page 5, lines 16-17 of the Specification). Additionally, Horstmann fails to teach or suggest that the ad server accepts any requests from a primary user. Instead, Horstmann discloses the ad-module displaying an advertisement by allowing the user to click a button to close the ad and launch an application. The ad module may display a permanent ad screen within which the advertisement is periodically varied or the ad module may interrupt work flow every so often to display an ad. Hortsmann at col. 3, lines 50-61.

Finally, Applicants respectfully submit that Horstmann fails to teach or suggest "distributing to a user terminal used by a secondary user the symbol representing the primary user's status via the network." Horstmann fails to teach or suggest a primary and secondary user and further lacks any teaching or suggestion that a secondary user should receive any indication of a primary user's status. Instead, Hortsmann merely discloses the ad module

sending "user profile" information to the ad server such that ads targeted to the user based on the user profile may be downloaded and displayed. Hortsmann at col. 3, lines 63-66. Further, Hortsmann discloses the usage database storing user identities and profiles, and what ads were sent to each user, which is used to avoid or manage repetition of the ads. Hortsmann at col. 4, lines 18-21.

For at least these reasons, Applicants respectfully submit that independent claim 1 and claims 2-11 depending directly or indirectly therefrom patentably distinguish over the prior art and, therefore are in condition for allowance.

As independent claims 12-14 recite features similar to those of claim 1, Applicants respectfully submit that claims 12-14 patentably distinguish over the prior art for reasons similar to claim 1 and therefore are also in condition for allowance.

## **CONCLUSION**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

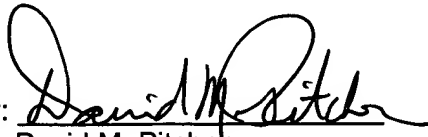
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
David M. Pitcher  
Registration No. 25,908

1201 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501